

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

*Plaintiff-Applicant,*

-v-

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

*Defendant.*

**Adv. Pro. No. 08-01789 (CGM)**

**SIPA Liquidation**

**(Substantively Consolidated)**

In re:

BERNARD L. MADOFF,

*Debtor.*

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities and the  
Chapter 7 Estate of Bernard L. Madoff,

*Plaintiff,*

-v-

UBS EUROPE SE, formerly known as UBS  
Deutschland AG, as successor in interest to  
Dresdner Bank Lateinamerika AG, and LGT  
BANK (SWITZERLAND) LTD. as successor in  
interest to Dresdner Bank (Schweiz) AG,

*Defendants.*

**Adv. Pro. No. 12-01577 (CGM)**

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in Support of Defendant LGT Bank (Switzerland) Ltd. as successor in interest to Dresdner Bank (Schweiz) AG (“Defendant”)’s Motion to Dismiss the Amended Complaint of Plaintiff Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff (the “Amended Complaint”) [Dkt. 105], dated September

15, 2022, together with the Declaration of Gregory F. Hauser, dated September 15, 2022, and the exhibits attached thereto, and upon all prior pleadings and proceedings filed in this case, including the so-ordered Stipulation and Orders dated July 14, 2022 and September 2, 2022 [Dkts. 104 & 108], Defendant will move this Court for an Order, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure (made applicable in bankruptcy proceedings by Federal Rule of Bankruptcy Procedure 7012(b)), before the Honorable Cecelia G. Morris of the United States Bankruptcy Court for the Southern District of New York on a date and time to be determined by the Court, dismissing the Amended Complaint with prejudice, dismissing Defendant from this action, and for such other and further relief as may be deemed just and proper.

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested and, if granted, will be on January 18, 2023, at 10:00 a.m. Eastern, or another date and time to be designated by the Court.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant does not consent to the entry of final orders or judgment by this Court.

Dated: New York, New York  
September 15, 2022

**WUERSCH & GERING LLP**

/s/ Gregory F. Hauser

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***successor in interest to Dresdner Bank (Schweiz)***

**AG**